



# Maryland Association of Election Officials

## Representing the Local Election Boards of the State of Maryland

March 22, 2023

Senator Brian E. Feldman, Chair  
Education, Energy, and the Environment Committee  
2 West Miller Senate Office Building  
Annapolis, Maryland 21401

RE: HB572 - Information

Senator Feldman and Committee Members:

My name is Katherine Berry, the Election Director in Carroll County, and the chair of the Maryland Association of Election Officials (MAEO) Legislative Committee. I am writing on behalf of MAEO to provide you with information and suggested amendments regarding HB572 – Election Law – Post-election Tabulation – Risk Limiting Audits.

Maryland has a rigorous audit system in place, which was developed following studies of various audit methods in 2016, based on the recommendation of the State Board of Elections. One of the methods includes a 100% automated audit of all scanned ballot images, conducted by a third-party. This audit independently tabulates every contest for every county in Maryland, and the results are reported to the State Board of Elections before the actual results are shared for comparison. Along with the *Comprehensive Audit*, the *Automated Ballot Tabulation Audit* and post-election *Manual Audit Tabulation* were conducted in 2022 on randomly selected precincts, including provisional and mail-in ballot votes. These audits confirmed that the voting system accurately counted over 2 million ballots in the General Election.

If the will of the General Assembly is to alter the methods by which we perform audits, we have some recommendations that should be considered before the bill's passage:

1. If all counties are required to perform an RLA, these audits may require significant time to complete which may exceed current election certification deadlines. In the event of a close election, the sample size required to be manually tabulated increases exponentially. Consideration of **altering the certification deadline** may be needed in addition to **ensuring that pre-election mail-in ballot canvass can occur** to allow adequate time in the days following an election to perform all required tasks including preparation for provisional ballot canvass, existing audits (if required) and remaining mail-in ballot canvass.
2. Since all ballots from the 2022 election have been placed into storage and we expect a new voting system to be implemented in 2026, consideration should be given to requiring a **pilot program following the 2024 election** with the knowledge that processes can still change with the **new voting system in 2026**.
3. Keep all current audits in place, but require a Risk Limiting Audit be completed if the existing initial phase of the Automated Ballot Tabulation Audit of Early Voting results, a portion of mail-in ballot results, and all Election Day results show a **variance greater than 5%** in any contest on the ballot.

MAEO has a strong desire to complete our jobs efficiently and effectively with absolute accuracy in the election results. We hope you will consider our recommendations to help establish best practices for implementing risk limiting audits in Maryland. Thank you for your attention to this important matter. If you have any questions, please contact me at (410)386-2958 or [Katherine.berry@maryland.gov](mailto:Katherine.berry@maryland.gov).